

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ALAN MOONEY

Plaintiff,

v.

PRICELINE.COM INCORPORATED;
BOOKING.COM B.V.;
BOOKING.COM (USA), INC.;
ORBITZ, INC.;
EXPEDIA, INC.;
HOTELS.COM LP;
TRAVELOCITY.COM LP;
SABRE, INC.;
HILTON WORLDWIDE, INC.;
CARLSON HOTELS, INC.;
RADISSON HOTELS
INTERNATIONAL, INC.;
TRUMP INTERNATIONAL HOTELS
MANAGEMENT, LLC;
KIMPTON HOTEL & RESTAURANT
GROUP, LLC;
INTERCONTINENTAL HOTELS
GROUP RESOURCES, INC.;
STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.;
MARRIOTT INTERNATIONAL, INC.;
and JOHN DOES 1-100

Defendants.

Case No. 12-cv-2731-DWF-JSM

Date Compl. Filed: October 25, 2012

**EXHIBIT A TO DEFENDANTS' EXPEDITED MOTION FOR
EXTENSION OF TIME TO RESPOND TO COMPLAINT**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MELISSA NEWMAN, *et al.*,

Plaintiffs,

v.

ORBITZ WORLDWIDE, INC., *et al.*,

Defendants.

Case 3:12-cv-03917-N

STIPULATION

WHEREAS, Plaintiff filed the Complaint in this litigation on September 28, 2012;

WHEREAS, all of the Defendants have agreed to waive service;

WHEREAS, a number of substantially similar complaints have been filed nationwide;

WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate all of the actions in one court;

WHEREAS, Plaintiff and Defendants Orbitz Worldwide, Inc.; Expedia, Inc.; Hotels.com LP; Travelocity.com LP; Priceline.com Incorporated; Booking.com B.V.; Booking.com (USA), Inc.; Sabre Holdings Corporation; Trump International Hotels Management, LLC; Kimpton Hotel & Restaurant Group, LLC; Intercontinental Hotels Group Resources, Inc.; Hilton Worldwide, Inc.; Starwood Hotels & Resorts Worldwide, Inc.; and Marriott International, Inc. (collectively “Defendants”) expect that all of the actions will be coordinated and/or consolidated before one court;

WHEREAS, Plaintiff and Defendants wish to preserve the parties’ and the Court’s resources and efficiently manage the litigation so as not to cause prejudice;

NOW THEREFORE, the parties agree as follows:

1. Defendants will not be required to answer or otherwise plead in response to the

Complaint during the pendency of the Motion for Consolidation and Transfer under 28 U.S.C. § 1407. If this Court is the transferee court, Defendants' time to answer or otherwise plead will be extended until 60 days after a consolidated amended complaint is filed, and Plaintiffs will file their opposition to a motion to dismiss, if filed, within 60 days thereafter. In the event that the Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer within seven (7) days of the JPML's order regarding the due date for responsive pleadings in this action. No discovery shall be served in the above-captioned matter while this stipulation is in effect;

2. In the event that Defendants voluntarily file or are ordered to file a responsive pleading in any other related action prior to the JPML's decision, Defendants agree that this stipulation will become void and in that event, all of the parties agree to negotiate in good faith regarding a responsive pleading date;

3. If this Court is the transferee court, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of appointment of lead counsel for the Plaintiffs. If the Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of the denial of the motion.

DATED: November 6, 2012

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IT IS SO ORDERED:

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2012, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ William B. Federman

William B. Federman